



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 27 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Eric Dippon, Environmental Manager
Environtech Landfill
26 W. 580 Schick Road
Hanover Park, IL 60133

Re: Finding of Violation
Environtech Landfill
Morris, Illinois

Dear Mr. Dippon:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Environtech, Inc. (Environtech or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating the Clean Air Act at your Morris, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA is represented in this matter by Associate Regional Counsel, Christopher B. Grubb, and by Environmental Engineer, Vicky Mei. For legal inquiries, you may contact Christopher by phone at (312) 886-7187 or by email at grubb.christopher@epa.gov. For technical inquiries, you may contact Vicky by phone at (312) 353-2054 or by email at mei.vicky@epa.gov. You should make the request for a conference within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



for Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Chief
Bureau of Air
Illinois Environmental Protection Agency

1. Section 111 of the CAA, 42 U.S.C. § 7411, requires EPA to promulgate performance standards for new stationary sources, including MSW landfills, to achieve the maximum emission reduction possible for each source category.
2. Pursuant to Section 111 of the CAA, 42 U.S.C. § 7411, on March 12, 1996, EPA promulgated the new source performance standards for MSW landfills (Landfill NSPS) at 40 C.F.R. Part 60, Subpart WWW. 61 Fed. Reg. 9919.
3. The NSPS requires new MSW landfills with a design capacity over 2.5 million megagrams by mass or 2.5 million cubic meters by volume to calculate the nonmethane organic compound (NMOC) emission rate of the landfill. If the NMOC emission rate is greater than 50 megagrams per year, the landfill is required to install, operate, and monitor a gas collection and control system (GCCS) in accordance with NSPS requirements.
4. Pursuant to 40 C.F.R. § 60.753(c), owners and operators of landfills with a GCCS must operate interior wellheads with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent or have an approved higher operating value for that wellhead.

5. Pursuant to 40 C.F.R. § 60.755(a)(5), to identify whether excess air infiltration is occurring in the landfill, owners and operators must monitor oxygen or nitrogen to assess compliance with the operational requirement at 40 C.F.R. § 60.753(c). In the event that there is an exceedance of the operating standard, owners and operators must initiate corrective actions within 5 calendar days. If the exceedance is not corrected within 15 days from the first measurement, the GCCS shall be expanded to correct the exceedance within 120 days of the initial exceedance. An alternative timeline for correcting the exceedance may be submitted to the Administrator for approval.

National Emission Standards for Hazardous Air Pollutants

6. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), requires EPA to promulgate emission standards for sources of hazardous air pollutants (HAPs), including MSW landfills, to achieve the maximum emission reduction of HAPs possible for each source category.
7. The HAPs emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene. Each of the HAPs emitted from MSW landfills can cause adverse health effects.
8. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 16, 2003, EPA promulgated the national emission standards for HAPs for MSW landfills (Landfill NESHAP) at 40 C.F.R. Part 63, Subpart AAAA. 68 Fed. Reg. 2227.
9. The Landfill NESHAP applies to, among other things, an MSW landfill that has accepted waste since November 8, 1987, has a design capacity equal to or greater than 2.5 million Mg and 2.5 million m³ and has potential NMOC emissions equal to or greater than 50 Mg/yr.
10. The Landfill NESHAP requires new MSW landfills to continue to comply with NSPS requirements, 40 C.F.R. Part 60, Subpart WWW, promulgated or approved under Section 111 of the CAA, 42 U.S.C. § 7411, and imposes additional requirements. 40 C.F.R. § 63.1955.

Illinois' CAAPP Permit

11. Title V of the CAA, 42 U.S.C. §§ 7661-7661f, establishes an operating permit program for sources of air pollution. Section 502(d) of the CAA, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA an operating permit program meeting the requirements of Title V.
12. In accordance with Section 502(b) of the CAA, 42 U.S.C. § 7661a(b), EPA promulgated regulations implementing Title V of the CAA. 57 Fed. Reg. 32295 (July 21, 1992). Those regulations are codified at 40 C.F.R. Part 70.
13. Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that after the effective date of any permit program approved or promulgated under Title V of

the CAA, no source subject to Title V may operate except in compliance with a Title V operating permit.

14. EPA gave interim approval of Illinois' Title V program on March 7, 1995. *See* 60 Fed. Reg. 12478 (effective March 7, 1995). EPA fully approved the Illinois Title V program on December 4, 2001. 66 Fed. Reg. 62946 (Dec. 4, 2001).
15. The Illinois regulations pursuant to Title V of the CAA are located in 415 ILCS 5/39.5, which contain the Illinois Clean Air Act Permit Program (CAAPP). The regulations governing the Illinois Title V permitting program are codified at 35 IAC § 201, and are federally enforceable pursuant to Section 113(a)(3) of the CAA.
16. The Illinois Environmental Protection Agency (IEPA) issued a CAAPP permit (Permit No. 97030062) to Environtech for the Environtech Landfill in Morris, Illinois on May 10, 2016.
17. The CAAPP permit requires Environtech to comply with the requirements of the Landfill NSPS and the Landfill NESHAP.

Findings and Violations

18. Environtech owns and operates Environtech Landfill (the Landfill), an MSW landfill located at 1800 Ashley Road, Morris, Illinois.
19. On June 9, 2000, the Landfill submitted a GCCS design plan to the IEPA. According to the design plan, the Landfill began receiving MSW in 1988.
20. As of July 8, 2016, the Landfill received its last load of waste and gave notification of closure on July 12, 2016, to the IEPA.
21. At all times relevant to this FOV, the Landfill had an emission rate of NMOC equal to or greater than 50 Mg/yr, as calculated using the procedures specified at 40 C.F.R. § 60.754.
22. The Landfill currently has an active GCCS to capture and destroy landfill gas generated by the Landfill. The GCCS consists of approximately 114 vertical collectors and 3 horizontal collectors all routed to an open gas vent flare owned and operated by Environtech and a landfill gas to energy plant (LFGTE) owned and operated by Biogas Energy Solutions (BES).
23. On May 12, 2017, EPA issued to Environtech an Information Request pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a). On June 30, 2017, Environtech responded to EPA's Section 114(a) Information Request.

Failure to Correct Well Exceedances

24. Information submitted to EPA by Environtech in response to its Section 114(a) Information Request indicates numerous wells since 2015 that had exceedances which were not corrected in the proper timeframe.
25. Table 1 below shows wells with exceedances that were not resolved within the deadlines provided by 40 C.F.R. § 60.755(a)(5).

Table 1: Wellheads with Oxygen Exceedances

Well No.	Date Range of Exceedance	Days of Exceedance	Alternative Compliance Timeline (ACT) Request
MOREW057	1/20/2017 – 6/5/2017	136	2/3/2017; denied 5/5/2017
MOREW058 ^{1,2}	10/11/2016 – 6/5/2017	237	10/26/2016; denied 5/5/2017
MOREW060 ²	11/8/2016 – 6/5/2017	209	11/22/2016; denied 5/5/2017
MOREW064	1/16/2016 – 6/2/2016	138	No ACT
MOREW070 ^{1,2}	10/12/2016 – 5/3/2017	203	10/26/2016; denied 5/5/2017
MOREW072	11/23/2015 – 9/23/2016	305	No ACT
MOREW083	12/9/2016 – 4/18/2017	130	12/21/2016; denied 5/5/2017
MOREW085 ¹	10/12/2016 – 5/3/2017	203	10/26/2016; denied 5/5/2017
MOREW117	10/12/2016 – 5/3/2017	203	10/7/2016; approved to be corrected by 1/21/2017
MORHCEW3 ¹	1/6/2017 – 6/5/2017	150	No ACT
MORHCNS3 ¹	11/9/2016 – 5/3/2017	175	11/22/2016; denied 5/5/2017
MORTC001 ¹	9/20/2016 – 6/5/2017	258	No ACT

Notes:

¹Continuing violations; no further data is available beyond last date in date range.

²Temporary alternative operating procedure requested 1/17/2012 and denied 5/5/2017.

26. By not correcting wellhead exceedances for oxygen in the appropriate timeframe, Environtech violated and continues to violate the requirements at 40 C.F.R. § 60.755(a)(5), 40 C.F.R. § 63.1955 and its CAAPP Permit.

Environmental Impact of Violations

27. Improper operation of the GCCS can lead to fugitive emissions of VOCs, HAPs and methane or air infiltration has the potential to cause subsurface fires or heat events.
28. Volatile organic compounds contribute to ozone formation which can result in adverse effects to human health and vegetation. Ozone can penetrate into different regions of the respiratory tract and be absorbed through the respiratory system.
29. HAP emissions can lead to adverse health effects like cancer, respiratory irritation and damage to the nervous system.
30. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site.

Date

9-27-17

for

Edward Nam
Director

Air and Radiation Division

Sara Bruneman

CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-17-IL-12, by Certified Mail, Return Receipt Requested, to:

Eric Dippon
Environtech Landfill
26 W. 580 Schick Road
Hanover Park, IL 60133

I also certify that I sent copies of the Finding of Violation by e-mail to:

Julie Armitage
Bureau of Air, Compliance Section
Illinois Environmental Protection Agency
Julie.Armitage@Illinois.gov

On the 27th day of September 2017



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 0612